



December 10, 2024

Via CM/ECF

The Honorable William C. Bryson
United States Court of Appeals
Howard T. Markey National Courts Building
717 Madison Place, N.W.
Washington, DC 20439

Re: Heron Therapeutics, Inc. v. Fresenius Kabi USA, LLC
C.A. No. 22-985-WCB

Dear Judge Bryson,

I write on behalf of Defendant Fresenius Kabi USA, LLC (“Fresenius Kabi”) in the above-referenced matter.

In its Findings of Fact and Conclusions of Law (D.I. 193), the Court directed Fresenius Kabi to advise the Court by letter whether any portions of the opinion should remain under seal in view of the fact that Fresenius Kabi had submitted its post-trial briefs under seal (*id.* at 58).

Fresenius Kabi submitted its post-trial briefs under seal as they contained information that Plaintiff Heron had designated as confidential. We have conferred with Plaintiff Heron and they have informed us that D.I. 193 does not contain any Heron confidential information. Further, D.I. 193 does not contain any confidential information of Fresenius Kabi. Therefore, no portions of D.I. 193 should remain under seal.

Counsel is available at the Court’s convenience should Your Honor have any questions.

Respectfully submitted,

/s/ Daniel A. Taylor

Daniel A. Taylor (No. 6934)

cc: Counsel of Record (via CM/ECF and electronic mail)